

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	Master File No. 12-md-02311 Hon. Marianne O. Battani
THIS DOCUMENT RELATES TO: ALL ACTIONS	

STIPULATED ORDER REGARDING SEALED FILINGS

WHEREFORE, the Court discussed at the September 14, 2016 status conference the Sixth Circuit's holdings in *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016);

WHEREFORE, the parties in some cases in this litigation have entered into protective orders, *see, e.g.*, Stipulation and Protective Order Governing the Production and Exchange of Confidential Information, No. 12-md-02311-MOB-MKM, ECF No. 200 (July 10, 2012), which provide that all documents filed with the Court that contain "Highly Confidential" or "Confidential" information are to be filed under seal;

WHEREFORE, other parties in cases for which a protective order has not yet been entered have filed confidential or highly confidential information under seal; and

WHEREFORE, the Court has determined to adopt a process to comply with the instructions of the Sixth Circuit in *Shane Group* regarding the sealing of documents filed with the Court.

Accordingly, the undersigned parties hereby agree and stipulate as follows regarding a protocol for filing documents, including the filing of transcripts of testimony as attachments to filings, under seal in this litigation:

1. If a filing contains information or exhibits designated "Highly Confidential" or

“Confidential” under an applicable protective order or that the party making the filing believes to be, or has been advised is, subject to a non-disclosure agreement, the party making the filing shall file it under seal. The party making the filing shall not be deemed to have necessarily agreed that sealing of the document is required under the standard articulated in *Shane Group* or other applicable law. The party making the filing need not itself file any motion concerning the sealing, but shall file a notice with the Court indicating that the document has been filed under seal.

2. After making the filing under seal, the filing party promptly shall provide written notice of the filing to any party or non-party who provided the information or materials to the party making the filing under seal. The filing party shall also make reasonable efforts to provide written notice to any other party or non-party who the filing party believes or has been advised may have an interest in the confidentiality of the information in the sealed filing, because the information belongs to, was obtained from (by the party or non-party who provided the information to the filing party), or is otherwise about the other party or non-party. At the request of the filing party, any party who provided the information in question to the filing party shall, at the choice of the party who provided the information, make reasonable efforts either to provide written notice to any other party or non-party with such an interest in the confidentiality of the information or to identify such other party or non-party so the filing party may provide such notice.

3. Within 30 days after the initial filing of the document under seal, (a) any party or non-party who provided the information or materials filed under seal to the party making the filing, or (b) any party or non-party who otherwise claims to have an interest in the confidentiality of the information contained in the sealed filing may file a motion with the Court seeking the continued sealing of the document, or certain parts of the document, originally filed under seal. The party or non-party filing the motion must demonstrate that sealing is appropriate

to the satisfaction of the Court.

4. The document shall remain sealed pending ruling by the Court on any timely-filed motion to maintain the filing under seal.

5. If no motion seeking continued protection for the document under seal is timely filed in accordance with Paragraph 3, the Court shall unseal the document.

6. As to any filing made prior to this stipulated order, any party or non-party who provided the information or materials filed under seal or any party or non-party who otherwise claims to have an interest in the confidentiality of the information in the sealed filing may file a motion with the Court seeking the continued sealing of the document, or certain parts of the document, originally filed under seal within 30 days of the entry of this Order. The party or non-party filing the motion must demonstrate that sealing is appropriate to the satisfaction of the Court.

7. If no motion is timely filed seeking continued protection for the filing under seal in accordance with Paragraph 6, the parties will submit a stipulated order in each applicable case identifying the specific document number(s) of the document(s) to be unsealed.

8. To avoid unnecessary burden on the Court and the parties, all parties shall make a good faith effort not to include any information, or portions of documents, deposition testimony, or interrogatories designated as “Confidential” or “Highly Confidential” by another party or non-party in any filing unless submission of such is believed by the filing party to be reasonably necessary.

9. The process set forth above shall take effect on the date the Court signs and enters this Order.

10. At least one of the parties to this stipulation anticipates filing a motion to exclude discovery-related filings from the requirements of this stipulation, allowing such filings to be made under seal pursuant to any applicable protective order, without further motion. In the event

that such a motion is granted, this stipulation shall not apply to such discovery-related filings. Until such motion is ruled on, discovery-related filings will not be subject to the requirements of this stipulation.

IT IS SO ORDERED.

Date: February 27, 2017

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

IT IS SO STIPULATED.

Respectfully submitted,

Dated: February 10, 2017

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